

FILED

UNITED STATES COURT OF APPEALS

OCT 24 2012

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: APPLICATION FOR EXEMPTION
FROM ELECTRONIC PUBLIC ACCESS
FEES BY JENNIFER GOLLAN AND
SHANE SHIFFLETT,

No. 12-16373

D.C. No. 3:12-mc-80113-JW
Northern District of California,
San Francisco

JENNIFER GOLLAN and SHANE
SHIFFLETT,

ORDER

Applicants - Appellants.

Before: GOULD, CLIFTON and BYBEE, Circuit Judges.

This appeal challenges the district court's order, entered in a miscellaneous docket, denying appellants' application for exemption from district court PACER fees, which denial was based on the United States Judicial Conference official policy implementing the Electronic Public Access Fee Schedule set forth in 28 U.S.C. § 1914.

Because the district court's order in this case was based on official Judicial Conference policy, it would be helpful to this court's review of that order to have briefing from the Judicial Conference and/or the Administrative Office of the Courts with respect to: (1) whether this court has jurisdiction over this appeal; (2)

whether the notice of appeal should be treated as a petition for writ of mandamus; and (3) the issue raised in the appeal, whether the Judicial Conference Policy does in fact prohibit exemptions for media even when they are employed by a non-profit organization.

Consequently, the Clerk shall serve this order on the United States Attorney General, who is requested to notify the court within 28 days whether he will appear on behalf of the Judicial Conference and/or Administrative Office of the Courts through an appearance as amicus curiae or as an intervenor in this appeal. The Clerk shall also serve this order on the District Court.

Appellate proceedings are stayed pending further order of the court.